

II. Claims 4-11, 15-22 drawn to control the amplification factor of amplifying an accumulated charge signal of photoelectric conversion element, classified in class 348, subclass 301.

III. Claims 23-58 drawn to photoelectric conversion elements divided into a plurality of regions and output accumulation states of each region with the time period changeable, classified in class 348, subclass 362”

The Applicant provisionally elects for prosecution the invention of Group I (claims 1-3, 12-14, and 18-22), but respectfully submits that Group I should also include claims 6-11.

Still, the Applicant believes that the restriction requirement is improper and therefore makes this election with traverse. The Applicant respectfully submits that, as stated in MPEP §803, for a restriction requirement to be proper “there are two criteria for restriction between patentably distinct inventions” as follows:

- “ (1) The inventions must be independent or distinct as claimed; and
- (2) There must be a serious burden on the examiner if restriction is not required . . .” (emphasis added)

The Applicant respectfully submits that: all groups of restricted claims are properly presented in the same application; undue diverse searching would not be required; and all claims should be examined together. Accordingly, examination of the claims of Group II and the claims of Group III, in addition to the claims of Group I, would place no additional “serious” burden on the Examiner as examination of the claims of Group II and the claims of Group III would not require undue diverse searching beyond that which would be necessary for examination of the claims of Group I.

PATENT

Docket No: 1232-4478

Accordingly, the Applicant respectfully submits that the restriction requirement should be withdrawn and that all claims should be examined on the merits.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4478. **A DUPLICATE OF THIS DOCUMENT IS ATTACHED.**

Furthermore, in the event that an additional extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this Response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

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